CHAPTER II.

COMMISSIONERS.

One Revenue Commissioner for the whole presidency was appointed by Regulation V. of 1830. A second was appointed in 1843, under the authority of Act XVII. of 1842, and the collectorates were then all brought into either the Northern or Southern Division, each division being subject to the control only of the Commissioner of that division.

In 1860 the supervision of the Police being made over to them they became thenceforth Revenue and Police Commissioners. In 1877 a third Commissionership was created, and the supervision of the smaller Political Agencies being added to the work, the title of the officers was changed into the simple one of Commissioners, as in other parts of India. The three Revenue and Police Commissioners are graded according to seniority of appointment to the post with the Commissioner of Customs, Salt, Opium and Abkari.

In financial matters the powers of the Commissioners are as strictly defined as those of other officers. In Acts which have been recently passed, *e. g.* those about Municipalities, Local Funds, Hereditary offices, &c., and also in the rules made by Government under these and other Acts, the powers of the Commissioners are generally laid down. In all other matters relating to the revenue, their authority over the acts of the Collectors is only limited by special exceptions.

The Commissioners may be said to have no original work, except when any inquiry of importance is delegated to them by Government. But references on all subjects of revenue administration are made to them not only by the Collectors, but by Government. They travel about their respective divisions in the fine weather, and examine the work and records of the Collectors' offices, &c., but there are no defined rules to regulate their tours. The head of each Commissioner's office establishment is an Assistant, with the rank of Deputy Collector.

The fact of the Commissioners being essentially supervising and not executive officers, accounts for the small number of orders as to their work. Reference must be made to the chapters referring to particular subjects for the powers of Commissioners as to those subjects.

1. **Head Quarters of Commissioners.**—Government consider it to be for various reasons expedient that Poona should be regarded as the head-quarters of the Commissioner, S. D., as of the other two Divisional Commissioners.—*G. R. No.* 4705 *of Aug.* 12, 1881.

2. **Correspondence.**—All correspondence in the revenue department is carried on through the Commissioners, direct references between Government and the Collectors on revenue matters being avoided as much as possible.—*G. R. No.* 3116, *July* 8, 1861.

3. **Responsibility.**—The Revenue Commissioner, as responsible for the entire revenue administration of his division, is entitled to apply to the Survey Commissioner, or any other officer employed therein, for such information affecting the revenue as he may deem desirable.—*G. R. No.* 785, *Feb.* 25, 1867.

4. **References.**—In all matters of account in which the details of revenue administration are concerned all references for instructions should be made to the Accountant-General through the Commissioners.—*G. R. No.* 1025, *July* 13, 1871.

5. **Appeal.**—If a Collector takes exception to the Commissioner's decision in any matter, he may appeal to Government—not directly, but sending his appeal through the Commissioner, and requesting him to forward the case. This rule is never to be infringed except under extraordinary circumstances. If the Collector refuses to carry out the orders of the Commissioner, the latter should report him to Government.—*G. R. No.* 202, *Jan.* 18, 1868.

6. **Powers.**—The Revenue Commissioners have full legal power (Reg. V. of 1830,* sec. 1, cl. 6) to fine any member of a Collector's establishment. But such direct interference in matters affecting discipline should only be had recourse to in extreme cases. —*G. R. No.* 3267, *Sept.* 13, 1866.

* This is repealed by the Revenue Code, but the same power is given by Ch. V. of the latter.

7. Revenue Commissioners may sanction the payment of allowances, whether hereditary or for two or more lives, when the same have been called in question.—*G. R. No.* 269, *Jan.* 22, 1862.

8. They may re-enter in the accounts, without reference to Government, allowances which have been erroneously struck off.—*G. R. No.* 2327, *June* 13, 1862.

9. They have power to write off outstanding balances of revenue, and irrecoverable advances of tuccavee, and unserviceable dead stock, to any extent.

They may also sanction, in accordance with the fixed rules, village expenses in survey districts, and the same until the introduction of the Revenue Survey in the case of villages in unsurveyed districts lapsing to Government, or otherwise falling under their direct control.—*G. R. No.* 3116, *July* 8, 1861.

10. They grant remissions of the Sayer revenue to any extent.—*G. R. No.* 685, *March* 4, 1863.

11. They sanction refunds of assessment exacted by mistake by the local officers.—*G. R. No.* 1987, *April* 20, 1854.

12. They are authorized to grant, with the sanction of Government, to village servants, in full or partial remuneration for service rendered, unoccupied land to such extent and of such value as may be determined by the Local Government to be suitable for each collectorate, provided the annual value in each case does not exceed Rupees 10 a year,* and also to assign rent-free land required for roads, burial-grounds, dhurrumsalas, public wells, schools, and dispensaries, provided the annual value of such lands is not, in each case, in excess of Rupees 10 a year.—*G. R. No.* 2897, *June* 17, 1871, *and G. G. Sept.* 21, 1871.

13. Land in the neighbourhood of railway stations can only be sold with the concurrence of the Railway authorities and the Revenue Commissioners, by whom the applications are to be submitted to Government for final orders.—*G. R. No.* 1041, *March* 31, 1863, *and No.* 503, *Nov.* 21, 1861.

14. In all cases of exchanges in lieu of land taken up for public purposes, the sanction of the Commissioner is necessary.—*G. R. No.* 1910, *March* 24, 1877.

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* Where the grant exceeds in value Rs. 500 when given for services to be performed to the State, or where it exceeds Rs. 100 when the services are not to be performed to the State, the sanction of the Government of India is required.—*G. of I. No.* 889, *Feb.* 28, 1872.

15. Commissioners are authorized to sanction exchanges of Inam land belonging to an inferior village servant for other land.—*G. R. No.* 2868, *May* 21, 1881.

16. The Revenue Commissioners, on examination of the monthly travelling allowance bills, are to criticise them with reference to the movements of officers, and when these are not according to rule will refuse to pass them.—*G. R. No.* 5923, *Dec.* 1, 1870.

17. The attention of Commissioners should be drawn to the necessity of examining dead stock articles during their annual tours.—*G. R. No.* 3473, *Dec. 17th*, 1879.

18. Since the abolition of the Alienation Settlement offices, the supervision of that work has been transferred to the Commissioners, to whom the Collectors refer all matters of importance.—*G. R. No.* 4168, *July* 23, 1875.

19. No order passed by a Collector of the nature referred to in Section 35 of the Land Revenue Code shall be reversed, modified or interfered with by a Commissioner.—*G. R. No.* 3872, *July* 24, 1880.

20. **Local Fund Establishments.**—Commissioners are empowered to sanction Local Fund Establishments (other than Public Works Establishments), provided budget provision exists, and a reference is made to Government if the pay given to any individual exceeds Rs. 15 a month.—*G. R. No.* 2538, *Aug.* 12, 1875.

21. Government desire that before exercising this authority as regards Vaccination establishments paid from Local Funds, the Commissioners will, as a rule, consult the Sanitary Commissioner, who is the head of the Vaccination Department.—*G. R. No.* 247, *Jan.* 24, 1880.

22. **Appointments.**—The Commissioners appoint the Mamlatdars. Their confirmation is required to the appointment of the Collector's chitnis; they appoint the Huzur Treasurers, and recommend for the appointments of Deputy Collector and Dufterdar.—*G. R. No.* 3116, *July* 8, 1861, *and No.* 311, *March* 10, 1869.

23. The Commissioners should break up family cliques in the same district and in districts where there is a preponderance of either Brahmins or Parbhus or Wanias, other castes should be introduced. As a rule, the first Kárkun and Mámlatdár should not be of the

same caste, and relations should not serve in the same kacheri.—*G. R. No.* 1870, *March* 30, 1881.

24. *Rules for the appointment of Head Accountants except in Sind.*

1.—There will be four grades of Head Accountants, viz.—

3 of first grade on	Rs.	250
4 of second grade on	„	200
4 of third grade on	„	175
6 of fourth grade on	„	150

2.—Head Accountants will be appointed as a general rule, to the vacant posts in the fourth grade.

3.—On the appointment of a Head Accountant he will be considered to be on probation for one year as at present, and will not be confirmed till favourably reported on by the Collector, and till he has passed the examination prescribed in Government Resolution No. 1336, dated 15th May 1872, Financial Department.

4.—Promotions from one grade to another will be made according to seniority combined with merit on the Collector's recommendation. For this purpose a list of all the Head Accountants will be prepared and published every quarter or half-year like that of Police Inspectors in the Presidency.—*G. R. No.* 1523, *Mar.* 15, 1881; *G. of I. No.* 3960, *Sept.* 26, 1882.

25. It rests entirely with the Commissioner to transfer Head Accountants from one place to another.—*G. R. No.* 1876, *June* 24, 1875.†

26. Commissioners should not appoint to Mámlats men who are not qualified to exercise magisterial powers.—*G. R. No.* 5372, *Sept.* 21, 1875.

27. **Balances**.—The Commissioners are to see that all outstanding balances are enquired into and cleared off year by year, and the matter is to be noticed in the Jummabundy reports. They are also to see that the Collectors punctually submit their quarterly statements of collections and outstanding balances.—*G. R. No.* 424, *Jan.* 26, 1874.

28. **Municipalities.**—Commissioners have been invested with all the powers conferred by the Municipal Act on the Governor in Council except those under secs. 4, 16, cl. 1, 27, 90, and 91.—*G. R. No.* 1631, *June* 11, 1874.

† Orders Nos. 22 and 25 are not affected by the Revenue Code, unless perhaps as to the appointment of Huzur Treasurer.

nissioners on their tour are to scrutinize narrowly
unicipal administration in the towns through which
y will actively look to the doings of the Committees,
interfere when they find the Act being worked
r want of discretion. They are already intrusted
f sanctioning bye-laws, a power which Government
judiciously exercised.—*G. R. No.* 3630, *Dec.* 28,

—Commissioners in the course of their tours are to
e fines inflicted by Assistant Collectors and Mam-
Accountants for neglect of duty, and to take such
ink proper of cases in which the punishment inflict-
excessive or inadequate.—*G. R. No.* 2519, *May*

ds.—They are also to see that no laxity is allowed
on of useless records.—*G. R. No.* 4491, *Aug.* 21,

I. of 1876.—Commissioners are, during their
e into the working of Act. V of 1864* and the
ised by the Collectors over the proceedings of the
er the Act.—*G. R. No.* 2814, *June* 12, 1872.

* Now (Bombay) Act III. of 1876.